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ELECTRONIC REGISTRATION SYSTEMS, INC.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

(NORTHERN DIVISION - RENO)

GRANT MATTHEW YOUNGREN,

Plaintiff,

vs.

OWNIT MORTGAGE SOLUTIONS, INC., a
California Corporation; FIRST MAGNUS
FINANCIAL CORPORATION/CHARTER
FUNDING (a Mortgage Broker), a Foreign
Corporation; LITTON LOAN SERVICING,
LP, a Delaware Limited Partnership; AMY
BLAZER, individually a Nevada resident;
MERSCORP, INC., a Virginia Corporation,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEM, INC., a
subsidiary of MERSCORP, INC., a Delaware
Corporation, [MERS]; and DOES 1-25
CORPORATIONS, DOES and ROES 1-25
Individuals, [Partnerships, or anyone claiming
any interest to the property described in the
action].

Defendants.

Case No. 3:09-cv-00595-ECR-RAM

**MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC. AND
MERSCORP, INC.'S RESPONSE TO
PLAINTIFF'S MOTION TO STAY ALL
FEDERAL PROCEEDINGS UNTIL THE
MOTION TO REMAND TO THE THIRD
JUDICIAL DISTRICT, STATE OF
NEVADA IS HEARD AND DEMAND
FOR DISCLOSURE OF
INDISPENSABLE PARTY**

Defendants MERSCORP, INC., a Delaware Corporation (wrongfully named as
MERSCORP, INC., a Virginia Corporation) and Mortgage Electronic Registration Systems, Inc.,
a subsidiary of MERSCORP, Inc., a Delaware Corporation ("MERS"), hereby responds to
Plaintiff Grant Matthew Youngren's ("Plaintiff") "Motion to Stay all Federal Proceedings Until

1 the Motion to Remand to the Third Judicial District, State of Nevada is Heard and Demand for
2 Disclosure of Indispensable Party” (“Motion”) (Doc. # 10).

3 In response, MERS states that (1) MERS does not oppose a stay of this case until the court
4 resolves Plaintiff’s Motion to Remand and any oppositions in response, and (2) MERS opposes
5 and requests denial of Plaintiff’s “Demand for Disclosure of Indispensable Party,” (the
6 “Disclosure Demand”). In support, MERS states the following.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 ***I. MERS DOES NOT OPPOSE A STAY OF THIS CASE UNTIL THE***
9 ***COURT RESOLVES PLAINTIFF’S MOTION TO REMAND***

10 While MERS strongly believes this case is properly removed under 28 U.S.C. §§ 1331
11 and 1332 and, accordingly, governed by the Federal Rules of Civil Procedure, MERS does not
12 oppose a stay of this case until the court has had an opportunity to review and resolve MERS’
13 Notice of Removal (Doc. # 1), Plaintiff’s Motion to Remand (Doc. # 4), and any and all
14 oppositions filed in response, including MERS’ opposition to Plaintiff’s Motion to Remand,
15 which will be filed on or before the response deadline of October 25, 2009.

16 ***II. MERS OPPOSES PLAINTIFF’S DEMAND FOR***
17 ***DISCLOSURE OF INDISPENSABLE PARTY***

18 Plaintiff, in his Motion, requests that the Court require Defendants to disclose “their
19 relationship and interest in the controversy and disclose the parties that are necessary and
20 indispensable.” Motion at p. 11 (Doc. # 10). Plaintiff, however, cites to no authority which
21 would require Defendants to list additional parties for Plaintiff to join in this action or to disclose
22 any information whatsoever prior to the opening of discovery. Indeed, no such authority exists
23 and discovery has not begun in this case. *See* Fed. R. Civ. Proc. 26(d) (“A party may not seek
24 discovery from any source before the parties have conferred as required by Rule 26(f) . . .”).
25 Moreover, Plaintiff has simultaneously requested a stay of this case. Plaintiff simply cannot have
26 it both ways. Plaintiff’s Disclosure Demand has no legal basis and should be denied.

1 For the foregoing reasons, MERS does not oppose a stay of this case until the court
2 resolves MERS' Notice of Removal, Plaintiff's Motion to Remand, and any oppositions in
3 response, but requests that this Court deny Plaintiff's Disclosure Demand.

4
5 DATED: October 14, 2009

SNELL & WILMER L.L.P.

6
7 By: /s/ Erica J. Stutman

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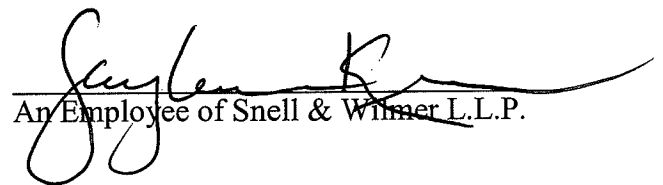
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CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2009, I electronically filed the foregoing MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AND MERSCORP, INC.'S RESPONSE TO PLAINTIFF'S MOTION TO STAY ALL FEDERAL PROCEEDINGS UNTIL THE MOTION TO REMAND TO THE THIRD JUDICIAL DISTRICT, STATE OF NEVADA IS HEARD AND DEMAND FOR DISCLOSURE OF INDISPENSABLE PARTY using the CM/ECF system which will send a notice of electronic filing to all parties as listed on the Notice of Electronic Filing.


An Employee of Snell & Wilmer L.L.P.

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